

FILED

MAY 13 2021

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

JUDGE NUSENT

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN ROSS,

Defendant.

INDICTMENT

1:21CR360

CASE NO.

Title 21, United States Code,
Sections 841(a)(1), (b)(1)(B) and
(b)(1)(C); Title 18, United States
Code, Section 922(g)(1),
924(a)(2), and 924(c)(1)(A)(i)

COUNT 1

(Distribution of Controlled Substances, 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury charges:

1. On or about October 15, 2020, in the Northern District of Ohio, Eastern Division, Defendant BRIAN ROSS did knowingly and intentionally distribute approximately 0.70 grams of a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 2

(Distribution of Controlled Substances, 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

2. On or about October 29, 2020, in the Northern District of Ohio, Eastern Division, Defendant BRIAN ROSS did knowingly and intentionally distribute approximately 0.49 grams of a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule

II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 3

(Distribution of Controlled Substances, 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

3. On or about November 10, 2020, in the Northern District of Ohio, Eastern Division, Defendant BRIAN ROSS did knowingly and intentionally distribute approximately 0.55 grams of a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 4

(Possession with Intent to Distribute Cocaine, 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

4. On or about November 13, 2020, in the Northern District of Ohio, Eastern Division, Defendant BRIAN ROSS did knowingly and intentionally possess with intent to distribute approximately 1.56 grams of a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 5

(Possession with Intent to Distribute Controlled Substances,
21 U.S.C. §§ 841(a)(1) and (b)(1)(B))

The Grand Jury further charges:

5. On or about November 13, 2020, in the Northern District of Ohio, Eastern Division, Defendant BRIAN ROSS did knowingly and intentionally possess with intent to distribute 28 grams or more of a mixture and substance containing a detectable amount of

cocaine base (“crack”), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT 6

(Felon in Possession of Firearms, 18 U.S.C. §§ 922(g)(1) and 924(a)(2))

The Grand Jury further charges:

6. On or about November 13, 2020, in the Northern District of Ohio, Eastern Division, Defendant BRIAN ROSS, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that being: Assault on a Police Officer, a felony of the fourth degree, on or about June 7, 2006, in Case Number 05CR067658, in the Lorain County Court of Common Pleas, knowingly possessed in and affecting interstate commerce firearms, to wit: a Cobra Model CB 38 handgun, bearing serial number CT193839; a Taurus PT-22 handgun, bearing serial number R28K30WPXBL; and an Iver Johnson Cadet, Model 55-SA handgun, bearing serial number G2697, said firearms having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 7

(Possession of a Firearm in Furtherance of a Drug Trafficking Crime,
18 U.S.C. § 924(c)(1)(A)(i))

The Grand Jury further charges:

7. On or about November 13, 2020, in the Northern District of Ohio, Eastern Division, Defendant BRIAN ROSS did knowingly possess a firearm, that is, a Cobra Model CB 38 handgun, bearing serial number CT193839, in furtherance of a drug trafficking crime, for which Defendant may be prosecuted in a court of the United States, that is, Distribution and Possession with Intent to Distribute Controlled Substances, in violation of Title 21, United States

Code, Sections 841(a)(1), (b)(1)(B), and (b)(1)(C), as charged in Counts 1 through 5 of this Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

FORFEITURE

The Grand Jury further charges:

8. The allegations contained in Counts 1-7 of this Indictment are hereby re-alleged and incorporated by reference as if stated fully herein for the purpose of alleging forfeiture pursuant to the provisions of Title 21, United States Code, Section 853 (drug offenses); and Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c) (firearms offenses). As a result of these offenses, Defendant BRIAN ROSS shall forfeit to the United States: (i) any and all property constituting, or derived from, any proceeds he obtained, directly or indirectly, as the result of the drug offenses; (ii) any and all of his property used - or intended to be used - in any manner or part, to commit or to facilitate the commission of the drug offenses; and, (iii) any and all firearms and ammunition involved in or used in the commission of the firearms offenses; including, but not limited to, the following:

a.) A total of \$2,000.00 U.S. Currency was seized on November 13, 2020, at a residence located on Tradewinds Drive, Avon Lake, Ohio. \$20.00 of the \$2,000.00 was "buy money," leaving \$1,980.00 for forfeiture;

b.) Taurus PT-22 handgun, serial number R28K30WPXBL, and any ammunition, seized on November 13, 2020, at a residence located on Tradewinds Drive, Avon Lake, Ohio;

c.) Iver Johnson Cadet, Model 55-SA handgun, serial number G2697, and any ammunition, seized on November 13, 2020, at a residence located on Tradewinds Drive, Avon Lake, Ohio; and,

d.) Cobra Model CB 38 handgun, serial number CT193839, and any ammunition, seized on November 13, 2020, at a location on Elyria Avenue, Lorain, Ohio.

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.